

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WILLIAM E. POWELL,
Plaintiff, Pro Se,

v.

SOCIAL SECURITY ADMINISTRATION

Defendant.

Case: 1:19-cv-00044
Assigned To : Unassigned
Assign. Date : 1/3/2019
Description: FOIA/Privacy Act (I-Deck)

COMPLAINT

William E. Powell, Plaintiff, brings this action against the Social Security Administration ("SSA"), Defendant, to compel compliance with 5 U.S.C. 552(a) et seq., 5 U.S.C. 552a et seq. and 5 U.S.C. 552a (d)(1).

As grounds, therefore, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This Honorable Court has jurisdiction over this action pursuant to 5 U.S.C. 552(a) et seq., 5 U.S.C. 552a et seq., 5 U.S.C. 552a (d)(1), 5 U.S.C. 552 (a)(4)(B), 5 U.S.C. 552a (g)(1), and 28 U.S.C. 1331;
2. Venue is proper in this District pursuant to 5 U.S.C. 552(a)(4)(B), 5 U.S.C. 552a (g)(5), 28 U.S.C. 1391;

STATEMENT



On October 6, 2018, Plaintiff emailed a **Perfected** “Privacy Act Request” to the email address of FOIAPublicLiaison@ssa.gov and addressed to Monica Chyn, Office of Privacy & Disclosure¹ (**attached as Exhibit “A”**).

Defendant emailed Plaintiff with correspondence dated October 10, 2018 with confirmation of receiving Plaintiff’s Privacy Act Request on October 10, 2018, and with a link to check on the status of the Request (**attached as Exhibit “B”**).

Plaintiff checked the status of Plaintiff’s Privacy Act Request with the link provided by Defendant in the October 10, 2018 email correspondence (**see Exhibit “B”**). The Status Report for Plaintiff’s Privacy Act Request for Case Number of SSA-2019-000118 was closed and the estimated date for completion was November 7, 2018, and for the Final Disposition it stated as “other.” Additionally, under the subtitle “Released Records,” it states, “No Records have been Released Yet” (**attached as Exhibit “C”**).

Plaintiff sent an email to the SSA to check on the status of Plaintiff’s Privacy Act Request dated October 6, 2018 on November 8, 2018, but the SSA never responded (**attached as Exhibit “D”**).

Violation of Privacy Act of 1974 5 U.S.C. 552a/ 5 U.S.C. 552a (d)(1)

Plaintiff alleges paragraphs 1 through 7 as if fully stated herein:

1. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. 552a, 5 U.S.C 552a(d)(1); and,
2. Plaintiff is being irreparably harmed by reasons of Defendant’s unlawful withholding of requested records and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

¹ Plaintiff has submitted a Perfect Request which would include receipt of request, System Name, System Manager, System Address, and address to the required personnel.

COUNT II

Violation of Freedom of Information Act 5 U.S.C 552(a)

Plaintiff alleges paragraphs 1 through 7 as if fully stated herein:

1. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. 552(a);

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

1. To order Defendant to conduct a search for all-responsive documents to Plaintiff's Requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's Requests;
2. Declare that Defendant's failure to disclose the records requested by Plaintiff is unlawful;
3. Enjoin Defendant from withholding and order Defendant to disclose the requested records to Plaintiff, in accordance with 5 U.S.C. 552 (a)(4)(B);
4. Expedite this action in every way pursuant to 28 U.S.C. 1657 (a); and,
5. Grant such other and further Relief as this Honorable Court may deem just and proper.

Dated: December 28, 2018

Respectfully submitted,



William E. Powell

Plaintiff, Pro Se

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